

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADAM BLUEFORD, et al.,

Plaintiffs,

v.

CITY OF OAKLAND, et al.,

Defendants.

Case No. [12-cv-03791-WHO](#)

**ORDER RE ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

Re: Dkt. No. 48

Plaintiffs have filed an administrative motion to file under seal the declaration of Benjamin Nisenbaum and Exhibits A & C to that Declaration. Docket No. 48. In support of the administrative motion, plaintiff states that these Exhibits were marked as confidential by defendants under the Protected Order governing this case. *Id.*

Under Civil Local Rule 79-5(e), when a party is seeking to file under seal information designated confidential by the other side (the Designating Party), within four days after the filing of the administrative motion the Designating Party must file a declaration explaining why the information should be sealed. As of today's date, defendants have failed to submit the required declaration.

Within four (4) days of the date of this Order, if defendants believe that all or part of Exhibits A & C to the Nisenbaum declaration should remain under seal, defendants shall file a declaration that complies with Civil Local Rule 79-5(d)(1)(A). That declaration shall establish "compelling reasons" to seal the material that override the public policies favoring disclosure. *In re Midland Nat'l Life Ins. Co Annuity Sales Practices Litig.*, 686 F.3d 1115, 1119 (9th Cir. 2012); *see also Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The declaration must make a showing which would allow the Court to "articulate a factual basis for

1 each compelling reason to seal” offered by the party. *In re Midland Nat'l Life Ins. Co.*, 686 F.3d at
2 1119.

3 Defendants are reminded that under Local Rule 79-5 and Ninth Circuit precedent, any
4 request to seal request must be narrowly tailored to seek sealing only of sealable material, and
5 reference to a protective order that allows a party to designate information as confidential is
6 insufficient to establish that the information should be sealed by the Court. Civ. L.R. 79-
7 5(d)(1)(A).

8 If defendants fail to file the required declaration within four (4) days of the date of this
9 Order, the Court shall file the declaration of Benjamin Nisenbaum and Exhibits A & C to that
10 Declaration in the public record.

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12 **IT IS SO ORDERED.**

13 Dated: February 6, 2014

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15 WILLIAM H. ORRICK
16 United States District Judge
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